

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. No new matter is added by the foregoing amendment, since claims have merely been cancelled and subject matter of the cancelled claims incorporated into those that remain.

Amendments

Claims 1-76 have been cancelled.

The rejection under 35 U.S.C. §102(b)

On page 2 of the Office Action, claims 73-76 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Homma et al. as evidenced by Zakataeva et al.. Claims 73-76 have been cancelled. Therefore, withdrawal of this rejection is respectfully requested.

The rejection under 35 U.S.C. §103

On page 3 of the Office Action, claims 77-80 were rejected under 35 U.S.C. §103 as being allegedly unpatentable over Homma et al. in view of Daum et al. Reconsideration of this rejection is respectfully requested in view of the following remarks.

Neither Homma et al. nor Daum et al. disclose or suggest that L-amino acids will accumulate in a medium when a bacterium as disclosed is cultivated in the bacterium. Furthermore, these references fail to disclose a bacterium which is able to cause accumulation of an L-amino acid in the medium sufficient to enable collection of the L-amino acid.

Daum et al. clearly fail to make up for the deficiencies of Homma et al.. Daum et al. disclose that *Escherichia coli* strains are preferred for production of 5-hydroxy-L-tryptophane. However, the process taught by Daum et al. includes microbiologically hydroxylating a substrate such as D,L-tryptophan to produce 5-hydroxy-L-tryptophane.

This process for producing an amino acid is markedly different from the claimed method, in that the process of Daum et al. is hydroxylating the amino acid precursor to arrive at the desired amino acid, and the claimed process is one of fermentative production via cultivation of a bacterium.

Finally, there is no motivation to combine the teachings of Homma et al. and Daum et al., since the object of interest of Homma et al. is a gene which encodes lysophospholipase.

For these reasons, Applicants respectfully assert that claims 77-80 are not obvious over the cited prior art, and request withdrawal of this rejection.


Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Steadman believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and the undersigned respectfully requests that any necessary fees be charged to our deposit account 50-2821.

Respectfully submitted,

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